



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LXIV] MONDAY, FEBRUARY 6, 2023 / MAGHA 17, 1944

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Central Acts

FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 16th January, 2023

CONSUMER PROTECTION ACT, 2019.

No. - GTH/2023/1/CPA/102021/80222/D:- In exercise of the powers conferred by clause (c) and (d) of sub-section (2) of section 102 of the Consumer Protection Act, 2019 (35 of 2019), the Government of Gujarat, hereby makes the following rules, namely:-

1. **Short title and commencement.-** (1) These rules may be called the Consumer Protection (State Consumer Protection Council) Rules, 2023.
(2) They shall come into force on the date of their publication in the *Official Gazette*.
2. **Definitions.-** (1) In these rules, unless the context otherwise requires,—
 - (a) “Act” means the Consumer Protection Act, 2019 (35 of 2019);
 - (b) “Chairperson” means the chairperson of the State Council;
 - (c) “State Council” means the State Consumer Protection Council established under sub-section (1) of section 6 of the Act;
(2) The words and expressions used herein, but not defined, and defined in the Act shall have the meaning assigned to them in the Act.
3. **Composition of State Council. —** The State Government shall, by notification in the Official Gazette, establish the State Council which shall consist of the following members, namely:-
 - (a) The Minister in-charge of Food, Civil Supplies and Consumer Affairs Department in the State Government who shall be the Chairperson of the State Council;
 - (b) The Minister of State (where he is not holding independent charge) in charge of Food, Civil Supplies and Consumer Affairs Department in the State Government who shall be the Vice-Chairperson of the State Council;

- (c) Two Members of Parliament nominated by State Government;
- (d) Four Members of Legislative Assembly Nominated by State Government;
- (e) Official or Non-official members, not exceeding ten to be nominated by the Central Government;
- (f) Representatives of Departments of the State Government, autonomous organisations or regulators concerned with consumer interests, not exceeding eleven to be nominated by the State Government, -
 - (1) Secretary, Food Civil Supplies and Consumer Affairs Department
 - (2) Secretary, Economic Affairs, Finance Department;
 - (3) Commissioner, Industries;
 - (4) Commissioner, Food and Drug Control Administration;
 - (5) One chairman of Municipal Corporation to be nominated by State Government;
 - (6) Two presidents of District Panchayats to be nominated by State Government;
 - (7) Four presidents of Nagarpalika from four zones of the State to be nominated by State Government;
- (g) Controller Legal Metrology and Director Consumer Affairs shall be the member secretary of the State Council;
- (h) Representatives of Consumer organisations not exceeding five, including one woman is to be nominated by the Department Food, Civil Supplies and Consumer Affairs;
- (i) Representatives with proven expertise and experience who are capable of representing consumer interests, drawn from amongst Educational Institute, Legal Institute and from Consumer commission who have minimum experience of Five years, not exceeding three, of whom at least one shall be a woman, to be nominated by the Department Food, Civil Supplies and Consumer Affairs;
- (j) Representatives from Associations of Industries, Commerce and Medical, not exceeding three, of whom at least one shall be a woman, to be nominated by the Department Food, Civil Supplies and Consumer Affairs;

4. Term of State Council. – The term of the State Council shall be three years; :

Provided that the State Council shall continue to function for a further period of three months or till it is reconstituted, whichever is earlier.

5. Resignation of members of State Council. — Any member may, by notice in writing under his hand addressed to the Chairperson of the State Council, resign from the State Council.

6. Vacancy caused by resignation. —

- (a) A vacancy caused by the resignation of a member under rule 5 shall be filled by a fresh appointment from the same category of members by the State Government.
- (b) The person appointed to fill the vacancy caused by the resignation of a member under rule 5 shall hold office only for the period of time that the original member would have been entitled to hold office had the vacancy not occurred.

7. Working Groups. —

- (a) For the purposes of performing its functions under the Act, the State Council may constitute from amongst its members, such working groups as it may deem necessary and every working group so constituted shall perform such task as are assigned to it by the State Council.
- (b) The State Council shall entrust to each working group clearly defined tasks which are specified through terms of reference and which shall also include the time-period within which such task are to be completed.

- (c) The working groups shall report to the Chairperson of the State Council.
- (d) The findings of each working group shall be placed before the State Council for its consideration.
- (e) The working group shall cease to function on the completion of the task for which it was constituted.

8. Meetings of State Council for transaction of business. –

- (a) The meetings of the State Council shall ordinarily be held in the State Capital Gandhinagar, :
Provided that the State Council may also hold its meetings at any other place in State, wherever in the opinion of the Chairperson, it is expedient so to do.
- (b) The Chairperson, or in his absence, the Vice-Chairperson shall preside over the meetings of the State Council.
- (c) In the absence of both the Chairperson and the Vice-Chairperson, the meetings of the State Council shall be presided over by a member of the State Council elected for this purpose.
- (d) The State Council shall meet as and when necessary but not less than two meetings shall be held every year.
- (e) A meeting of the State Council may be called with the approval of the Chairperson by issuing a notice in writing to every member at least fifteen days before the intended date of the meeting by post, or through e-mail to facilitate speedy communication.
- (f) The notice of every meeting of the State Council shall intimate the time, date, and place of the meeting and the items of agenda for the meeting.
- (g) Any business not included in the agenda shall not be transacted at a meeting of the State Council except with the permission of the Chairperson, or the Vice-Chairperson, or the member presiding over the meeting, as the case may be.
- (h) The draft minutes of each meeting of the State Council shall be prepared as soon as possible and not later than one week from the conclusion of each meeting and the same shall be submitted to the Chairperson or the Vice-Chairperson or to the member who presided over the meeting for his approval.
- (i) The draft minutes of each meeting of the State Council approved by the Chairperson or the Vice-Chairperson or the member who presided over this meeting shall be forwarded to each member of the Council as soon as possible for adoption at the next meeting.
- (j) No proceedings of the State Council shall be invalid merely by reasons of existence of any vacancy in or any defect in the constitution of the State Council.

9. Reimbursement of expenses and sitting fees.—

- (a) Non-official members of the State Council shall be entitled to get Travelling Allowance, Daily Allowance, Road Mileage, Conveyance Charge etc. as per the Resolution Dated 16/10/2014 of Finance Department and as amended time to time.
- (b) Every claim made under sub-rule (a) shall be subject to the member of the State Council certifying that he shall not claim any benefit from any other department or organisation of the State Government during his visit for the purpose of attending the meeting of the State Council or any of its working groups.
- (c) Member of Parliament and Members of Legislative Assembly attending meetings of the State Council or its working groups shall be entitled to travelling and daily allowances at such rates as are admissible to such Members.
- (d) All the member should be paid the above admissible allowance on the day of meeting by the concerned member secretary of the council.

By order and in the name of the Governor of Gujarat,

NAYANA PATEL,

Deputy Secretary to Government.

